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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,669	02/20/2004	Michael Tiegelkamp	Q79781	5527

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EXAMINER

PHAM, THOMAS K

ART UNIT	PAPER NUMBER
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2121

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/781,669

Applicant(s)

TIEGELKAMP, MICHAEL

Examiner

Thomas K. Pham

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to amendment

1. This is in response to the amendment filed 12/21/2006.
2. New claims 12-14 have been entered.
3. Applicant's argument, with respect to the new claims 12-14 and the new issues of claims 1, 6, and 9, necessitated the new ground(s) of rejection presented in this office action.

Quotations of U.S. Code Title 35

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ541, 550-551 (CCPA 1969)" (MPEP p2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

Claim Rejections - 35 USC § 102

6. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,845,090 ("Collins").

Regarding claim 1

Collins teaches the invention including a method for configuring modules in a data processing system, for controlling a technical plant, comprising: utilizing decentralized and centralized modules that are networked with one another to provide a stored program control of plant functions (see FIG. 1 and C 2 L 55-63), wherein the decentralized, plant-side modules each have a respective dedicated configuration module (see FIG. 1 and C 3 L 1-18, "each target includes a dedicated distribution package or a dedicated command package"); and for one of the plant functions to be controlled, at least one of configuring and parameterizing the plant-side modules with the respective dedicated configuration modules (see C 3 L 16-33, "hop server").

Regarding claim 6

Collins teaches the invention including a component structured to configure a module in a data processing system, for controlling a technical plant, in which system decentralized and centralized modules are networked with one another to provide a stored program control of plant functions (see FIG. 1 and C 2 L 55-63), wherein the decentralized, plant-side modules each have a respective dedicated configuration module (see FIG. 1 and C 3 L 1-18, "each target includes a dedicated distribution package or a dedicated command package"), comprising: hardware configuration software with which at least one of the plant-side modules corresponding to the component is at least configured or parameterized (see C 3 L 16-33, "hop server").

Regarding claim 9

Collins teaches the invention including a circuit arrangement for configuring a module in a data processing system, for controlling a technical plant, in which system decentralized and centralized modules are networked with one another to provide a stored program control of plant functions (see FIG. 1 and C 2 L 55-63), wherein the decentralized, plant-side modules each comprise a configuration module (see FIG. 1 and C 3 L 1-18, “each target includes a dedicated distribution package or a dedicated command package”), and wherein the decentralized, plant-side modules each comprise a microprocessor and memory components for configuring the respective plant-side module (see C 3 L 16-33, “hop server”).

Regarding claim 2

Collins teaches the invention including wherein the control of the technical plant comprises an open-loop control (see FIG. 1).

Regarding claim 3

Collins teaches the invention including wherein the control of the technical plant comprises a closed-loop control (see FIG. 1).

Regarding claim 4

Collins teaches the invention including wherein the networked modules exchange at least one of data and program parts via at least one of an internal and an external network, to support the configuration (see FIG. 2).

Regarding claim 5

Collins teaches the invention including further comprising supporting the configuration of the plant-side modules using a programming device equipped with a configuration module that is essentially identical to at least one of the configuration modules of the plant-side modules (see C 3 L 16-26).

Regarding claim 7

Collins teaches the invention including wherein the component comprises a software component (see C 3 L 16-26).

Regarding claim 8

Collins teaches the invention including wherein the component comprises a firmware component (see C 3 L 27-33).

Regarding claim 10

Collins teaches the invention including a standardized network connection for interconnecting the respective plant-side modules with one another (see FIG. 2); and a further standardized network connection with a software component configured as a browser for connecting the respective plant-side modules to an Internet (see C 8 L 39-67).

Regarding claim 11

Collins teaches wherein the dedicated configuration module of each of the decentralized, plant-side modules is decoupled from the other dedicated configuration modules of the decentralized, plant-side modules and wherein the decentralized, plant-side modules are configured independently of the other decentralized, plant-side modules (see FIG. 1 and C 3 L 1-15).

Regarding claim 12

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Collins teaches wherein the dedicated configuration module of the respective decentralized, plant-side module is separately and independently updated and wherein the other plant-side modules are not involved during the updating (see C 3 L 31-41).

Regarding claim 13

Collins teaches wherein the dedicated configuration module is stored in the respective, decentralized, plant-side module and wherein the dedicated configuration module is associated only with the respective, decentralized, plant-side module (see C 4 L 19-29).

Regarding claim 14

Collins teaches wherein the respective, decentralized, plant-side module is manufactured with the dedicated configuration module being stored therein (see C 4 L 1-18).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Friday from 7:30 AM - 4:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**. Responses may also be faxed to the **official fax number (571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Primary Examiner

A handwritten signature in cursive script, appearing to read 'Thupham', written in black ink.

March 4, 2007